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FILED
DISTRICT COURT OF GUAM

OCT 12 2007

JEANNE G. QUINATA
Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA

Plaintiff,

vs.

ONE 2003 MAZDA PROTÉGÉ
AUTOMOBILE,
VIN JM1BJ245X31205914,

Defendant.

CIVIL CASE NO. 07-00022

MOTION OF THE UNITED STATES
FOR A PRELIMINARY ORDER OF FORFEITURE

NOW COMES the United States of America, by and through the undersigned counsel,
and moves this Court for a Preliminary Order of Forfeiture in the above-captioned case.

This motion is supported by the following:

1. On August 7, 2007, a verified complaint of forfeiture was filed in the United States District Court of Guam to enforce the provision of Title 18, United States Code, Section 981(a)(1)(B)(i), Title 21, United States Code, Section 841(a)(1), and Title 21, United States Code, Section 853(a)(2) for the forfeiture of an automobile, which was used to commit and

1 facilitate the commission of the crime of distribution of a controlled substance.

2 **PERSONAL PROPERTY**

3 (a) 2003 Mazda Protégé Automobile, color Silver,
4 VIN JM1BJ245X31205914

5 2. On August 14, 2007, the United States Marshals Service served a copy the Verified
6 Complaint of Forfeiture and Notice of Arrest on Darrell S.C. Stewart, owner of said vehicle.

7 3. A research through the court's data system (PACER), reviews that as of October 10,
8 2007, Mr. Stewart had not filed a claim or an answer to the Verified Complaint. See Attachment
9 A.

10 4. The United States is entitled to forfeit the subject property pursuant to Title 21, United
11 States Code, Section 853 and Rule 32.2 of the Federal Rules of Criminal Procedure.


12 5. Upon the issuance of a Preliminary Order of Forfeiture, the United States will provide
13 written notice to any known third parties asserting a legal interest in the subject property, and
14 will publish, in a newspaper of general circulation, notice of the Court's Order and the intent of
15 the United States to dispose of the subject property in such manner as the Attorney General may
16 direct, pursuant to Title 21, United States Code, Section 853(n)(1).

17 **WHEREFORE**, the United States respectfully requests that this Court enter judgment of
18 criminal forfeiture by issuing the proposed Preliminary Order of Forfeiture, forfeiting to the
19 United States the interest of the defendant One 2003 Mazda Protégé Automobile, color Silver,
20 VIN JM1BJ245X31205914, and ordering the United States to seize forthwith the subject
21 property and dispose of it in accordance with the law.

22 Respectfully submitted this 12th day of October, 2007.

23 LEONARDO M. RAPADAS
24 United States Attorney
25 Districts of Guam and NMI

26 By:

27 
28 KARON V. JOHNSON
Assistant U.S. Attorney

**Civil/Criminal CM/ECF System
District Court of Guam (Hagatna)
CIVIL DOCKET FOR CASE #: 1:07-cv-00022**

United States of America v. One 2003 Mazda Protege
Automobile, VIN JM1BJ245X31205914
Assigned to: Chief Judge Frances M. Tydingco-Gatewood
Cause: 21:841 Forfeiture Property-Drugs

Date Filed: 08/07/2007
Jury Demand: None
Nature of Suit: 690 Forfeit/Penalty:
Other
Jurisdiction: U.S. Government Plaintiff

Plaintiff**United States of America**

represented by **Karon Johnson**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**One 2003 Mazda Protege
Automobile, VIN
JM1BJ245X31205914**

Date Filed	#	Docket Text
08/24/2007	<u>5</u>	Certificate of Service filed by U.S. Marshals Service re <u>1</u> Verified Complaint of Forfeiture, 2 Notice of Arrest served on 8/14/2007.(vtk,) (Entered: 08/27/2007)
08/16/2007	<u>4</u>	Warrant of Arrest in Rem Returned Executed on 8/15/2007 as to One 2003 Mazda Protege Automobile, VIN JM1BJ245X31205914. (vtk,) (Entered: 08/16/2007)
08/15/2007	<u>3</u>	Warrant of Arrest In Rem issued (vtk,) (Entered: 08/15/2007)
08/13/2007	<u>2</u>	Notice of Arrest filed by United States of America. (vtk,) (Entered: 08/13/2007)
08/07/2007	<u>1</u>	Verified Complaint of Forfeiture against One 2003 Mazda Protege Automobile, VIN JM1BJ245X31205914, filed by United States of America. (Attachments: # <u>1</u> Cover Sheet)(rsn,) (Entered: 08/08/2007)

Attachment A

PACER Service Center			
Transaction Receipt			
10/11/2007 16:07:56			
PACER Login:	du3397	Client Code:	
Description:	Docket Report	Search Criteria:	1:07-cv-00022
Billable Pages:	1	Cost:	0.08